



Docket No.: 1568.1095

File

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Do-young Seung

Serial No. 10/798,882

Group Art Unit: 1742

Confirmation No. 4895

Filed: March 12, 2004

Examiner: George P. Wyszomierski

For: SEPARATOR FOR FUEL CELL

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed July 5, 2006, having a shortened period for response set to expire on August 5, 2006, the following remarks are provided.

Response to Restriction

At page 2 of the Office Action, the Examiner required restriction between the following inventions:

- I. Claims 1 – 14, drawn to a separator for a fuel cell and fuel cells containing the same;
and
- II. Claims 15 – 20, drawn to a method.

In response to the restriction requirement, Applicants elect **Group I, claims 1 – 14**. Applicants respectfully traverse the restriction requirement on the grounds that all of claims 15 - 20 are so closely related to elected claims 15 - 20 that they should remain in the same application. In particular, while it is noted that the Examiner has identified different classifications for the product and method claims, it is believed that evaluation of both sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Group II claims by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions and provides that a restriction is proper only if there would be a serious burden on the Examiner